IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 3535 of 2005
Date of Decision: 28.8.2006

Sumer Chand and others ...Appellants

Versus

Raj Kumar and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Ranjit Saini and Shri S.S. Dinarpur, Advocates, for the appellants.

JUDGMENT

The plaintiffs are in second appeal aggrieved against the judgment and decree of the Courts below, whereby the suit challenging the sale deeds dated 22.12.1987 and 4.1.1988, were dismissed, inter-alia, on the ground that the plaintiffs have not challenged the said sale deeds in the previously instituted Suit i.e. Civil Suit No. 149 of 1988 filed on 22.4.1988.

Once the sale deeds were in existence prior the filing of the previous suit, it was incumbent upon the plaintiffs to lay challenge to such sale deeds in the said suit and not by filing the subsequent suit.

In view of the findings recorded, I do not find that any substantial question of law arises for consideration in the present appeal.

Hence, the present petition is dismissed.

28.8.2006 (HEMANT GUPTA)
ds JUDGE